

APPROVED MINUTES

KITTERY TOWN COUNCIL

April 27, 2015

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Judy Spiller, Jeffrey Pelletier and Ken Lemont.

5. Agenda Amendment and Adoption –

Councilor Pelletier indicated that he would like to add a new item 13m to reconsider the vote on item 13G at that last meeting. The agenda was accepted as amended.

6. Town Manager's Report –

Town Manager Puff stated that MEDOT would be presenting an agreement which would reimburse Kittery for maintenance on state roads that did not meet the urban compact criteria.

Town Manager Puff noted that the John Paul Jones Park legislation had passed and would remain as a public park in perpetuity.

Town Manager Puff indicated that the visitors had arrived from Japan and they were hosting a dinner for them the following evening at the fire station.

Town Manager Puff noted relative to the Bowen Road right of way issue that they were working on a consent agreement with the Clainos' and it would be completed by the end of May.

Town Manager Puff indicated that the sewer extension project was underway on Route 236.

Town Manager Puff noted residents had been complaining about the lights, smoking and dogs at the Shapleigh School. She continued that the lights had been adjusted and the police were going to try to make residents more aware the no smoking and no dog policy.

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Town Manager Puff stated there had been an issue lately with an expired building permit. She continued the code stated that the permit could be renewed with a renewal fee but there was no fee listed. Town Manager Puff indicated that she had asked the planning department to look into changing the code.

Town Manager Puff indicated that she had received a handwritten note from a resident who had required 911 services and wanted everyone to know what fantastic service she had received.

Town Manager Puff noted that the order for the dangerous building had been served which gave the owner 30 days to remove the building. She continued, however, that it was still under the appeal deadline.

Town Manager Puff indicated that WILSSA had received a \$200,000 grant.

7. Acceptance of Previous Minutes –4/13/15

The minutes of 4/13/15 were accepted as amended.

8. Interviews for the Board of Appeals and Planning Board – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None

10. PUBLIC HEARINGS -

a. (040315-1) The Kittery Town Council moves to hold a public hearing on an application from Kittery Hotels, Inc., 2 Gorges Road, Kittery, Maine for a Victualer's License for Ramada, 2 Gorges Road.

Chairperson Thomson noted this public hearing was advertised in the local, printed media on April 17th. Chairperson Thomson opened the public hearing and no response being heard closed the public hearing.

COUNCILOR SPILLER MOVED TO APPROVE AN APPLICATION FROM KITTERY HOTELS, INC., 2 GORGES ROAD, KITTERY, MAINE FOR A VICTUALER'S LICENSE FOR RAMADA, 2 GORGES ROAD, SECONDED BY COUNCILOR DENAULT.

Chairperson Thomson expressed his concern that a number of J1 students had stayed at the Ramada the previous summer and that he had received a number of concerns that the students were not being paid and/or were being overcharged for rent. He continued he hoped the owner was aware of these issues and would not happen again.

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A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR MOTION PASSES 7/0.

b. (040315-2) The Kittery Town Council moves to hold a public hearing in accordance with Section 6.09(4) of the Kittery Town Charter to transfer appropriations between account for union and non-union increases for salaries/wages and benefits.

Chairperson Thomson noted this public hearing was advertised in the local, printed media on April 17th. Chairperson Thomson opened the public hearing and no response being heard closed the public hearing.

COUNCILOR WHITE MOVED TO APPROVE THE TRANSFER OF APPROPRIATIONS BETWEEN ACCOUNTS FOR UNION AND NON-UNION INCREASES FOR SALARIES/WAGES AND BENEFITS IN THE AMOUNT OF \$40,111, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENAULT OPPOSED. MOTION PASSES 6/1.

c. (040315-3) The Kittery Town Council moves to hold a public hearing on a proposed amendment to Title 5, Section 5.10.4 Applicability, of the Kittery Town Code.

Chairperson Thomson noted this public hearing was advertised in the local, printed media on April 17th. Chairperson Thomson opened the public hearing and no response being heard closed the public hearing.

COUNCILOR WHITE MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAINS AN AMENDMENT TO TITLE 5, SECTION 5.10.4 APPLICABILITY, OF THE KITTERY TOWN CODE, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

d. (040315-4) The Kittery Town Council moves to hold a public hearing on proposed amendments to Title 4 Boards, Commissions and Committees, of the Kittery Town Code.

Chairperson Thomson noted this public hearing was advertised in the local, printed media on April 17th. Chairperson Thomson opened the public hearing.

Jim Forbes came to the podium and indicated that he thought the amendments were well done. He continued that he had some concern on who was supposed to appoint the shellfish warden.

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Milton Hall came to the podium and stated he thought that the Chair of the PB should designate which planning board member should serve on the KPA. He continued that he also thought that resignations should not be accepted until a successor was appointed. Chairperson Thomson then closed the public hearing.

COUNCILOR DENNETT MOVED TO APPROVE PROPOSED AMENDMENTS TO TITLE 4 BOARDS, COMMISSIONS AND COMMITTEES OF THE KITTELY TOWN CODE, SECONDED BY COUNCILOR PELLETIER.

COUNCILOR DENNETT MOVED TO AMEND LINE 382 TO INSERT THE WORD “CHAIR” AFTER THE WORD “BOARD” AND BEFORE THE WORD “APPOINTS”, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

A ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION WITH ALL IN FAVOR. MOTION PASSES 7/0.

11. Discussion

a. Discussion by members of the public –

Ed Goodwin came to the podium and stated that he had a problem with what was going on in his backyard. He then gave an in depth background on the property and that a former two car garage was being turned into a three bedroom, two bathroom house. He continued he thought this was nonconforming and that there were now other buildings being built on the property. Mr. Goodwin stated that he thought setbacks were not being used appropriately and that Council needed to look at the situation.

b. Response from Chairperson –

Chairperson Thomson stated that he did not think that Council had any authority over the matter. Town Manager Puff noted that this situation was very complicated and that the code office believed they did the right thing in issuing the building permits. She continued that the time had expired to contest the permits and thought that the matter should go before the Zoning Board. Councilor White indicated that he would advise Mr. Goodwin to hire an attorney to get advice because it could be a legal matter and that Council could not do very much. Chairperson Thomson indicated that Council had no jurisdiction over the matter. Councilor Dennett asked to see a chronological set of documents as to what had happened on this property.

12. UNFINISHED BUSINESS – None

13. NEW BUSINESS

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a. Donations/gifts received for Council disposition - None

b. (040315-5) The Kittery Town Council moves to hear a presentation from the Town Manager on the FY '16 Municipal Budget.

Town Manager Puff gave her presentation on the FY '16 municipal budget. She continued that there would be an increase in expenses of 1.7% because there was a 53rd pay week in 2016. Chairperson Thomson stated he thought that Council needed time to absorb the information that was presented and stated they would be having a workshop on May 18th at 6:00 P.M. on the issue. He encouraged Councilors to convey any questions or concerns to the Manager before the workshop.

c. (040315-6) The Kittery Town Council moves to approve the disbursement warrants.

COUNCILOR PELLETIER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY CHAIRPERSON THOMSON, WITH ALL IN FAVOR. MOTION PASSES 7/0.

d. (040315-7) The Kittery Town Council moves to authorize Boy Scout Troop 307 to use Fort Foster on May 8-10, 2015 for their annual camping trip.

COUNCILOR SPILLER MOVED TO AUTHORIZE BOY SCOUT TROOP 307 TO USE FORT FOSTER ON MAY 8-10, 2015 FOR THEIR ANNUAL CAMPING TRIP, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

e. (040315-8) The Kittery Town Council moves to approve a request from Tom Emerson, Kittery Odyssey of the Mind to hold a tag day fundraiser at the Resource Recovery Facility on May 9th from 9:00 A.M. to 3:00 P.M. to raise funds for their trip to the Odyssey of the Mind World Finals in East Lansing, MI.

COUNCILOR SPILLER MOVED TO APPROVE A REQUEST FROM TOM EMERSON, KITTERY ODYSSEY OF THE MIND TO HOLD A TAG DAY FUNDRAISER AT THE RESOURCE RECOVERY FACILITY ON MAY 9TH FROM 9:00 A.M. TO 3:00 P.M. TO RAISE FUNDS FOR THEIR TRIP TO THE ODYSSEY OF THE MIND WORLD FINALS IN EAST LANSING, MI, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

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f. (040315-9) The Kittery Town Council moves to approve a renewal application from John Kenneth Reed, 139 Cass Street, Portsmouth, NH for a Malt, Spirituous and Vinous Liquor License for The Corner Pub, 4 Wallingford Square.

COUNCILOR WHITE MOVED TO APPROVE A RENEWAL APPLICATION FROM JOHN KENNETH REED, 139 CASS STREET, PORTSMOUTH NH FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR THE CORNER PUB, 4 WALLINGFORD SQUARE, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

g. (040315-10) The Kittery Town Council moves to authorize the Kittery Community Market to hang two banners (1) at Post Office Square from May 28th – October 8th, 2015 and (1) over Rogers Road, in front of the Kittery Community Center from May 18th – June 7th, 2015 as well as placing directional signs at limited locations around Kittery and Kittery Point on Sundays only from June 7th – October 4th, 2015.

COUNCILOR SPILLER MOVED TO AUTHORIZE THE KITTERY COMMUNITY MARKET TO HANG TWO BANNERS (1) AT POST OFFICE SQUARE FROM MAY 28TH – OCTOBER 8TH, 2015 AND (1) OVER ROGERS ROAD, IN FRONT OF THE KITTERY COMMUNITY CENTER FROM MAY 18TH – JUNE 7TH, 2015 AS WELL AS PLACING DIRECTIONAL SIGNS AT LIMITED LOCATIONS AROUND KITTERY AND KITTERY POINT ON SUNDAYS ONLY FROM JUNE 7TH – OCTOBER 4TH, 2015, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

h. (040315-11) The Kittery Town Council moves to approve \$300 to be spent from the Connie Samuels Beautification Fund to purchase plants to be installed at Howell's Park, Traip Academy, Town Hall, the Naval Museum and Inspiration Park by the Garden Club.

COUNCILOR PELLETIER MOVED TO APPROVE \$300 TO BE SPENT FROM THE CONNIE SAMUELS BEAUTIFICATION FUND TO PURCHASE PLANTS TO BE INSTALLED AT HOWELL'S PARK, TRAIPI ACADEMY, TOWN HALL, THE NAVAL MUSEUM AND INSPIRATION PARK BY THE GARDEN CLUB, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

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i. (040315-12) The Kittery Town Council moves to appoint Joyce Tobey as Warden and Sandra Lutts as Deputy Warden and the opening of the polls at 8:00 A.M. and the closing at 8:00 P.M. for the June 9, 2015 Special Municipal Referendum, Town Meeting and School Budget Validation Referendum Elections as recommended by the Town Clerk.

COUNCILOR SPILLER MOVED TO APPOINT JOYCE TOBEY AS WARDEN AND SANDRA LUTTS AS DEPUTY WARDEN AND THE OPENING OF THE POLLS AT 8:00 A.M. AND THE CLOSING AT 8:00 P.M. FOR THE JUNE 9, 2015 SPECIAL MUNICIPAL REFERENDUM, TOWN MEETING AND SCHOOL BUDGET VALIDATION REFERENDUM ELECTIONS AS RECOMMENDED BY THE TOWN CLERK, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR. MOTION PASSES 7/0.

j. (040315-13) The Kittery Town Council moves to sign the warrant for the June 9, 2015, School Budget Referendum Election.

COUNCILOR PELLETIER MOVED TO SIGN THE WARRANT FOR THE JUNE 9, 2015 SCHOOL BUDGET REFERENDUM ELECTION, SECONDED BY COUNCILOR WHITE, WITH ALL IN FAVOR. MOTION PASSES 7/0.

k. (040315-14) The Kittery Town Council moves to sign the warrant for the June 9, 2015 Annual Town Meeting/Secret Ballot Vote.

COUNCILOR PELLETIER MOVED TO SIGN THE WARRANT FOR THE JUNE 9, 2015 ANNUAL TOWN MEETING/SECRET BALLOT VOTE, SECONDED BY COUNCILOR WHITE, WITH ALL IN FAVOR. MOTION PASSES 7/0.

l. (040315-15) The Kittery Town Council moves to sign the warrant for the June 9, 2015 Special Municipal Referendum Election.

COUNCILOR PELLETIER MOVED TO SIGN THE WARRANT FOR THE JUNE 9, 2015 SPECIAL MUNICIPAL REFERENDUM ELECTION, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR. MOTION PASSES 7/0.

m. The Kittery Town Council moves to reconsider the vote taken on April 13, 2015 - The Kittery Town Council moves to authorize the Rice Public Library to use the Fort Foster facility (baseball field) on Friday, June 26, 2015 from 8:00 P.M. to 10 P.M. to show an outdoor movie for the opening celebration of their Summer Reading Program.

COUNCILOR PELLETIER MOVED TO RECONSIDER THE VOTE TAKEN ON APRIL 13, 2015, SECONDED BY COUNCILOR WHITE.

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A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 6/1.

Councilor Pelletier noted that there was no expense associated to the Town for this event and that he supported it.

A ROLL CALL VOTE WAS TAKEN ON THE ORIGINAL MOTION, WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 6/1.

14. COUNCILOR ISSUE OR COMMENT

Councilor Denault indicated that he had met with the sailors from the USS Annapolis and that they were a great group of people and it was an honor to be hosting them.

Councilor Denault stated he had received complaints that trucks were using Rogers Road Extension to access the Shipyard and asked if they could look into posting “No Truck” signs. Town Manager Puff responded that they had looked into this issue before and there was nothing they could do because it was a state road.

Councilor Denault noted that the former Boy Scout Meeting would be held on May 27th at the Lions Club.

Councilor Denault stated he had seen a noticeable improvement on traffic by the back gate.

Councilor Denault noted he was happy to see the 68 Hours of Hunger donation box in the lobby was full as they needed donations.

Councilor Denault then listed the people who had passed in the past weeks.

Councilor White asked what the status of the Fort Foster pier was. Town Manager Puff responded they were hoping to re-open it by June 1st.

Councilor White asked about the status of the Brownfields Grant RFP relative to Wood Island. Town Manager Puff responded that it had been awarded to Ransom Engineering and there was a kick-off meeting that Thursday.

Councilor White noted that he hoped to see the Planning Board and KPA interviews on the next agenda.

Councilor Lemont noted relative to the EB5 Committee, that he had done some research into the program and did not like it. He continued that he thought that Council should not take any position on the matter.

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Councilor Lemont acknowledged that the Clam Report was not being written and ensured that it would be done and sent to DMR.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson –

Chairperson Thomson noted there was a Special Meeting the following Monday at 5:45 P.M. followed by a workshop with the Planning Board at 6:00 P.M.

Chairperson Thomson indicated the KCC was hosting their monthly lecture session that Wednesday at 7:00 P.M.

Chairperson Thomson stated that residents could donate to the betterment or beautification of the town to the Kittery Maine Improvement Foundation which was a 501(C). He continued those donations were tax deductible and could be sent to PO Box 360, Kittery, Maine.

b. Committee Reports – None

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

**COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY
COUNCILOR WHITE WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:40 P.M.**